

would attend the planned personal interview, which the undersigned discussed with the Examiner on August 19, 1999, and the schedule of the Examiner did not permit such a personal interview at this time, the undersigned and the Examiner discussed several possible claim amendments. The Examiner indicated that the Amendment of October 5, 1999, overcame the previous § 112, first paragraph, written description rejections and that it overcame the previous prior art rejections, but it did not overcome the previous double patenting rejections.

Additionally, the Examiner indicated that the Amendment of October 5, 1999, raised some new rejections. Specifically, it raised a new § 112, first paragraph, written description rejection regarding support for the phrase "wherein the promoter is not a retroviral promoter" in claim 72. Although Applicant continues to believe that the specification does support this phrase, as Applicant showed at pages 7-8 of the Amendment of October 5, 1999, Applicant has deleted this phrase from claim 72 to advance allowance of the pending claims. Applicant reserves the right to pursue claims to this subject matter at a later date. As the Examiner and the undersigned discussed during the telephonic interview of December 2, 1999, the last clause of claim 72<sup>1</sup> inherently requires that the promoter in the DNA sequence not be a retroviral promoter.

The Examiner also indicated that the Amendment of October 5, 1999, raised § 112, second paragraph, indefiniteness issues regarding the last clause of claims 72

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<sup>1</sup> wherein, following injection of the clonal cells into the recipient subject, [the clonal cells are incapable of causing recombination of] the DNA sequence is incapable of recombining with endogenous retroviral sequences, and the DNA sequence is incapable of initiating chronic viral infection in the recipient subject.

and 104. Applicant has amended claims 72 and 104 as recommended by the Examiner to more clearly define the claimed invention.

As the undersigned and the Examiner discussed during the telephonic interview, the undersigned will contact the Examiner in the near future to arrange the personal interview they originally discussed on August 19, 1999, to discuss the remaining, double patenting rejections.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested, and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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By:



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